

1 ANTON HANDAL (Bar No. 113812)
2 PAMELA C. CHALK (Bar No. 216411)
3 GABRIEL HEDRICK (Bar No. 220649)
4 HANDAL & ASSOCIATES
5 750 B Street, Suite 2510
6 San Diego, California 92101
7 Telephone: 619.544.6400
Facsimile: 619.696.0323
E-Mail: anh@handal-law.com
pchalk@handal-law.com
ghedrick@handal-law.com

8 Attorneys for Plaintiff
9 E.DIGITAL CORPORATION

10 STEFANI E. SHANBERG (State Bar No. 206717)
11 JENNIFER J. SCHMIDT (State Bar No. 295579)
12 MADELEINE E. GREENE (State Bar No. 263120)
WILSON SONSINI GOODRICH & ROSATI
13 Professional Corporation
One Market Plaza
14 Spear Tower, Suite 3300
San Francisco, California 94105
Telephone: (415) 947-2000
Facsimile: (415) 947-2099
E-Mail: sshanberg@wsgr.com
jschmidt@wsgr.com
mgreene@wsgr.com

15 Attorneys for Defendant
16 DROPCAM, INC.

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20 UNITED STATES DISTRICT COURT
21
22 NORTHERN DISTRICT OF CALIFORNIA

23 E.DIGITAL CORPORATION,

24 Plaintiff,

Case No. 3:14-cv-04922-JST

v.

25 DROPCAM, INC.,

26 Defendant.

27
**JOINT CLAIM CONSTRUCTION AND
PRE-HEARING STATEMENT (PATENT
L.R. 4-3)**

Judge: Hon. Jon S. Tigar
Ctrm: 9
Hearing: August 3, 2015
Time: 2:00 p.m.

Pursuant to Local Patent Rule 4-3 and the Court's February 5, 2015, Scheduling Order ("Scheduling Order") (Doc. No. 43), Plaintiff e.Digital Corporation ("Plaintiff" or "e.Digital") and Defendant Dropcam, Inc. ("Defendant" or "Dropcam") provide the following Joint Claim Construction and Pre-Hearing Statement in the above-entitled matter for U.S. Patent Nos. 8,306,514 ("the '514 patent"); 8,311,522 ("the '522 patent"); 8,311,523 ("the '523 patent"); 8,311,524 ("the '524 patent"); 8,315,618 ("the '618 patent"); and 8,315,619 ("the '619 patent") (collectively, the "Asserted Patents").

I. Agreed Upon Claim Constructions

The parties have agreed upon the following constructions for each of the claim terms and phrases listed below.

Claim Term or Phrase	Agreed Upon Construction	
1. "being selectable to provide"	"capable of being selected to provide"	
2. "environment of the communication device"	"surroundings of the communication device within the detectable area of the communication device"	

II. Disputed Claim Constructions and Identification of Intrinsic and Extrinsic Evidence

The parties dispute the proper construction of certain claim terms. Below, Plaintiff and Defendant set forth each of the disputed claim terms, each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction.

Claim Term or Phrase	Plaintiff's Proposed Construction and Supporting Evidence	Defendant's Proposed Construction and Supporting Evidence
1. "social signature"	"raw or processed data and/or other information based on sensors"	"combination of optical sensor data and acoustic sensor data indicative of a type of activity"

<p>Intrinsic Evidence:</p> <p>Specifications¹</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'522 Specification:</i> Abstract; 1:29-58; 2:5-30; 2:66-3:7; 3:19-60; 4:14-29; 4:65-5:6; 5:19-6:3; 6:19-24; 7:4-65; 9:5-11:6; 11:16-14:34; 14:46-53; 15:29-57; 16:14-26; 17:51-18:18; 18:22-24; 18:44-19:33; 21:15-44; 22:41-67</p> <p>Claims</p> <p><i>'522 patent:</i> 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, 24</p> <p><i>'514 patent:</i> 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, 36</p> <p><i>'523 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, 26</p> <p><i>'524 patent:</i> 1, 2, 3, 4, 5, 10, 15, 16, 17</p> <p><i>'618 patent:</i> 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, 24</p> <p><i>'619 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, 26, 29, 30, 31</p> <p>Extrinsic Evidence:</p> <p><i>The American Heritage Dictionary</i> (Fifth Ed. 2012) (hereinafter referred to as “AHD”) at pp. 217 (“data”), 435</p>	<p>Intrinsic Evidence:</p> <p>Specification²</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> 9:23-29, 14:31-41, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 17:30-36, 18:54-60, Tables 1 and 2.</p> <p>Claims</p> <p><i>'514 patent:</i> 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, and 36.</p> <p><i>'522 patent:</i> 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, and 24.</p> <p><i>'523 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, and 26.</p> <p><i>'524 patent:</i> 1, 2, 3, 4, 5, 10, 15, 16, and 17.</p> <p><i>'618 patent:</i> 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, and 24.</p> <p><i>'619 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, 26, 29, 30, and 31.</p> <p>Extrinsic Evidence:</p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
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¹ The specifications of each of the Asserted Patents contain word-for-word identical disclosures. For the sake of brevity and efficiency, Plaintiff cites specifically herein to the specification of the parent '522 patent. However, Plaintiff represents and hereby notifies the Court and Defendant that Plaintiff intends to rely on the exact same disclosures contained in the '514 patent, '523 patent, '524 patent, '618 patent and '619 patent, which specifications, again, contain exactly the same disclosures as the specification of the '522 patent.

² All supporting patent citations identified by Defendant Dropcam herein reference the specification of U.S. Patent No. 8,315,618. Dropcam reserves the right to rely upon corresponding disclosures contained in the specifications of each of the Asserted Patents. Dropcam similarly reserves the right to rely upon disclosures contained in the prosecution histories of each of the Asserted Patents corresponding to the citations identified herein.

		(“information”) <i>Barron’s Dictionary of Computer and Internet Terms</i> (Eleventh Ed. 2013) (hereinafter referred to as “BDCIT”) at p. 124 (“data”) Sworn testimony of the inventor, Patrick Nunally	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	2. “social hierarchy”	<p>“an arrangement of persons, things, information and/or operations in a series of levels”</p> <p>Intrinsic Evidence:</p> <p>Specification:</p> <p><i>Figures:</i> 3</p> <p>’522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67</p> <p>Claims</p> <p>’522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26</p> <p>’514 patent: 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 20, 21, 26, 30, 34, 36</p> <p>’523 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22</p> <p>’524 patent: 1, 5, 6</p> <p>’618 patent: 1, 3, 6, 9, 10, 15, 17, 20, 22</p> <p>’619 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22, 31</p> <p>Extrinsic Evidence:</p> <p>AHD at 398 (“hierarchy”)</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>“ordered ranking of social groups defined within each social template”</p> <p>Intrinsic Evidence:</p> <p>Specification:</p> <p><i>Figures:</i> 1, 2, 3</p> <p>’618 Specification: 4:17-23, 6:12-21, 14:44-50, 15:13-16, 15:18-31, 15:45-51, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, and Tables 1 and 2.</p> <p>Claims</p> <p>’514 patent: 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 20, 21, 26, 30, 34, and 36.</p> <p>’522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, and 26.</p> <p>’523 patent: 1, 3, 5, 6, 7, 8, 9, 19, and 22.</p> <p>’524 patent: 1, 5, and 6.</p> <p>’618 patent: 1, 3, 6, 9, 10, 15, 17, 20, and 22.</p> <p>’619 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22, and 31.</p> <p>File History</p> <p>U.S. Patent & Trademark Office Prosecution Proceeding No. 13/047,163 for U.S. Patent No. 8,315,618 -Applicant Arguments/Remarks Made in an Amendment at pp. 3-5,</p>

			March 16, 2012. <u>Extrinsic Evidence:</u> <i>Chambers Concise Dictionary</i> at p. 562 [DROPCAM_EDTL 00001055]. Sworn testimony of Dr. Earl Sacerdoti.
3.	“social template”	“parameters and/or information for analysis of social signatures” <u>Intrinsic Evidence:</u> Specification <i>Figures:</i> 1, 2, 3 <i>'522 Specification:</i> Abstract; 1:29-47; 2:20-30; 2:66-3:7; 3:24-47; 4:65-5:6; 5:34-59; 6:25-35; 7:4-11; 7:38-8:9; 8:35-40; 9:5-23; 9:44-10:38; 13:22-14:27; 14:46-18:36; 18:53-19:65; 20:13-17; 20:26-49; 21:1-44; 22:41-67 Claims <i>'522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 22, 23, 25, 26, 27 <i>'514 patent:</i> 1, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 21, 23, 24, 25, 26, 30, 31, 32, 34, 36 <i>'523 patent:</i> 1, 3, 4, 5, 6, 8, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, 27 <i>'524 patent:</i> 1, 3, 4, 5, 6, 7, 8, 9, 11, <i>'618 patent:</i> 1, 3, 6, 9, 10, 15, 17, 20, 22, 23, 24 <i>'619 patent:</i> 1, 3, 4, 6, 8, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31 <u>Extrinsic Evidence:</u> <i>The Merriam-Webster Dictionary</i> (Eleventh Ed. 2004)	“data structure storing a social signature and a social hierarchy” <u>Intrinsic Evidence:</u> Specification <i>Figures:</i> 1, 2, 3 <i>'618 Specification:</i> 3:52-55, 6:12-21, 9:23-29, 10:46-49, 14:32-41, 15:18-31, 15:45-51, 15:52-55, 16:15-24, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, 18:64-19:4, and Tables 1 and 2. Claims <i>'514 patent:</i> 1, 3, 4, 5, 10, 14, 16, 17, 21, 26, 30, 34, and 36. <i>'522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 22, 23, 25, 26, and 27. <i>'523 patent:</i> 1, 3, 4, 5, 6, 8, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, and 27. <i>'524 patent:</i> 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11. <i>'618 patent:</i> 1, 3, 6, 9, 10, 15, 17, 20, 22, 23, and 24. <i>'619 patent:</i> 1, 3, 4, 5, 6, 8, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, and 31. File History U.S. Patent & Trademark Office Prosecution Proceeding No. 13/047,163 for U.S. Patent No. 8,315,618 – Applicant

		(hereinafter referred to as “MWD”) at p. 736 (“template”) <i>BDCIT</i> at p. 492 (“template”) Sworn testimony of the inventor, Patrick Nunally	Arguments/Remarks Made in an Amendment at pp. 3-5, March 16, 2012. <u>Extrinsic Evidence:</u> Sworn testimony of Dr. Earl Sacerdoti.
4.	“unique social signature”	<p>“a specific, currently associated social signature”</p> <p><u>Intrinsic Evidence:</u> Specifications <i>'522 Specification:</i> Abstract; 1:29-47; 3:24-47; 5:34-59; 7:38-53; 15:29-16:64; 17:25-43; 18:63-19:3; 19:51-58; 22:41-67 Claims <i>'522 patent:</i> 1, 8, 17, 18, 22, 24 <i>'514 patent:</i> 1, 5, 10, 12, 13, 14, 21, 26, 28, 29, 30, 34, 36 <i>'523 patent:</i> 1, 13, 14, 19, <i>'524 patent:</i> 1 <i>'618 patent:</i> 1, 6, 15, 22 <i>'619 patent:</i> 1, 13, 14, 19</p> <p><u>Extrinsic Evidence:</u> <i>AHD</i> at pp. 217 (“data”), 435 (“information”), 887 (“unique”) <i>BDCIT</i> at p. 124 (“data”) Sworn testimony of the inventor, Patrick Nunally</p>	<p>“social signature associated solely with one social template”</p> <p><u>Intrinsic Evidence:</u> Specifications <i>Figures:</i> 1, 2, 3 <i>'618 Specification:</i> at Abstract, 3:22-24, 3:25-28, 9:23-29, 13:37-41, 14:31-36, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 18:54-60, 19:64-67, and Tables 1 and 2.</p> <p>Claims <i>'514 patent:</i> 1, 5, 10, 14, 21, 26, 30, 34, and 36. <i>'522 patent:</i> 1, 8, and 17. <i>'523 patent:</i> 1 and 19. <i>'524 patent:</i> 1. <i>'524 patent:</i> 1, 6, 15, and 22. <i>'619 patent:</i> 1 and 19.</p> <p><u>Extrinsic Evidence:</u> <i>Chambers Concise Dictionary</i>, at pp. 272, 1360 [DROPCAM_EDTL00001049]. <i>Webster's New World College Dictionary</i>, at p. 1562 [DROPCAM_EDTL00001046] . Sworn testimony of Dr. Earl Sacerdoti.</p>
5.	“sensor value range”	Plain and ordinary meaning or, alternatively, “information representing sensor data above,	“range of measurements between two values”

		<p>below or between a value(s)"</p> <p>Intrinsic Evidence:</p> <p>Specification</p> <p><i>'522 Specification:</i> 15:43-57; 16:14-26; 22:41-67</p> <p>Claims</p> <p><i>'522 patent:</i> 1, 8, 17</p> <p><i>'514 patent:</i> 1, 5, 10, 14, 21, 26, 30, 34, 36</p> <p><i>'523 patent:</i> 1, 4, 19, 21</p> <p><i>'524 patent:</i> 1, 3</p> <p><i>'618 patent:</i> 1, 6, 15, 20, 22</p> <p><i>'619 patent:</i> 1, 4, 19, 21, 29</p> <p>Extrinsic Evidence:</p> <p>AHD at p. 751 ("sensor")</p> <p>MWD at pp. 596 ("range"), 656 ("sensor"), 797-798 ("value")</p> <p>BDCIT at p. 406 ("range")</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>Intrinsic Evidence:</p> <p>Specification</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> 4:24-28, 9:41-46, 11:62-65, 12:6-13, 16:15-24, 19:22-26, 15:38-45, and Tables 1 and 2.</p> <p>Claims</p> <p><i>'514 patent:</i> 1, 5, 10, 14, 21, 26, 30, 34, and 36.</p> <p><i>'522 patent:</i> 1, 8, and 17.</p> <p><i>'523 patent:</i> 1, 4, 19, and 21.</p> <p><i>'524 patent:</i> 1 and 3.</p> <p><i>'618 patent:</i> 1, 6, 15, 20, and 22.</p> <p><i>'619 patent:</i> 1, 4, 19, 21, and 29.</p> <p>Extrinsic Evidence:</p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
16	6.	<p>"optical sensor"</p> <p>Plain and ordinary meaning or, alternatively, "sensor that detects one or more amounts and/or characteristics of light within an environment"</p> <p>Intrinsic Evidence:</p> <p>Specification:</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'522 Specification:</i> Abstract; 1:29-58; 2:5-19; 2:66-3:7; 3:12-14; 4:14-16; 4:65-5:6; 5:11-13; 6:19-22; 7:4-12; 7:17-19; 9:6-11; 9:29-34; 10:4-15; 11:51-12:5; 13:65-14:3; 15:31-36; 15:46-57; 16:14-23; 19:17-33; 22:41-67</p> <p>Claims</p> <p><i>'522 patent:</i> 1, 8, 17</p>	<p>"sensor that collects data about the amount of light in an environment"</p> <p>Intrinsic Evidence:</p> <p>Specification:</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> 4:24-28, 9:41-46, 11:62-67, 12:6-13, 16:15-24, 19:22-26, 15:38-45, and Tables 1 and 2.</p> <p>Claims</p> <p><i>'514 patent:</i> 1, 5, 10, 12, 14, 21, 26, 28, 30, 34, and 36.</p> <p><i>'522 patent:</i> 1, 8, and 17.</p> <p><i>'523 patent:</i> 1, 13, and 19.</p>

		<p>'514 patent: 1, 5, 8, 10, 12, 14, 21, 24, 26, 28, 30, 34, 36 '523 patent: 1, 13, 19 '524 patent: 1, 13 '618 patent: 1, 6, 15, 20, 22 '619 patent: 1, 13, 19</p> <p>Extrinsic Evidence:</p> <p><i>Oxford Dictionary of Science</i> (Sixth Ed. 2010) (hereinafter referred to as “ODS”) at p. 583 (“optics”）</p> <p><i>AHD</i> at p. 751 (“sensor”）</p> <p><i>MWD</i> at pp. 508 (“optical”), 656 (“sensor”）</p> <p><i>The American Heritage Science Dictionary</i> (First Ed. 2011) at p. 360 (“light”）</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>'524 patent: 1. '618 patent: 1, 6, 15, 20, and 22. '619 patent: 1, 13, and 19.</p> <p>Extrinsic Evidence: Sworn testimony of Dr. Earl Sacerdoti.</p>
14	7.	<p>“information”</p> <p>Intrinsic Evidence:</p> <p>Specification</p> <p><i>Figures:</i> 3</p> <p><i>'522 Specification:</i> Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67</p> <p>Claims</p> <p><i>'522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26</p> <p><i>'514 patent:</i> 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, 36</p> <p><i>'523 patent:</i> 1, 3, 10, 19, 22, 23,</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence:</p> <p>Specification</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 11:13-17, 14:32-41, 14:44-50, 14:63-66, 16:24-27, 15:13-16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, 17:45-51, 18:54-60, 18:64-19:4, and Tables 1 and 2.</p> <p>Claims</p> <p><i>'514 patent:</i> 1, 5, 6, 7, 8, 9, 10, 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, and 36.</p> <p><i>'522 patent:</i> 1, 2, 3, 4, 8, 9, 11,</p>

		24, 25, 26 '524 patent: 1, 2, 3, 10 '618 patent: 1, 3, 6, 9, 15, 16, 20, 22 '619 patent: 1, 2, 3, 5, 10, 19, 22, 23, 24, 25, 26 <u>Extrinsic Evidence:</u> <i>AHD</i> at p. 435 ("information") <i>MWD</i> at p. 372 ("information") Sworn testimony of the inventor, Patrick Nunally	12, 17, 18, 19, 23, 25, and 26. '523 patent: 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, and 26. '524 patent: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. '618 patent: 1, 2, 3, 6, 7, 9, 10, 15, 16, 17, 20, and 22. '619 patent: 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, 26, 29, and 30. <u>Extrinsic Evidence:</u> Sworn testimony of Dr. Earl Sacerdoti.
8.	"provide/ provides/ providing differing levels of information"	Plain and ordinary meaning <u>Intrinsic Evidence:</u> Specification <i>Figures:</i> 3 '522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67 Claims '522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26 '514 patent: 1, 5, 10, 14, 20, 21, 26, 30, 34, 36 '523 patent: 1, 3, 5, 19, 22 '524 patent: 1, 6 '618 patent: 1, 3, 6, 9, 10, 15, 17, 20, 22 '619 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22 <u>Extrinsic Evidence:</u> <i>AHD</i> at pp. 239 ("differ,"	"send/sends/sending information in varying levels of granularity" <u>Intrinsic Evidence:</u> Specification <i>Figures:</i> 1, 2, 3 '618 Specification: at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 14:32-41, 14:44-50, 14:55-62, 17:45-51, 18:23-28, 15:13- 16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, and Tables 1 and 2. Claims '514 patent: 1, 5, 10, 14, 21, 26, 30, 34, and 36. '522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, and 26. '523 patent: 1, 3, 5, 19, and 22. '524 patent: 1 and 6. '618 patent: 1, 3, 6, 9, 10, 15, 17, 20, and 22. '619 patent: 1, 3, 5, 6, 7, 8, 9, 19, and 22. <u>Extrinsic Evidence:</u> Sworn testimony of Dr. Earl

		"different"), 435 ("information"), 483 ("level"), 671 ("provide") <i>MWD</i> at pp. 200 ("differ," "different"), 372 ("information"), 414 ("level") Sworn testimony of the inventor, Patrick Nunally	Sacerdoti.
9.	"provided.../ provides/ providing an update"	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence:</p> <p>Specification</p> <p>'522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67</p> <p>Claims</p> <p>'522 patent: N/A</p> <p>'514 patent: 1, 2, 3, 4, 14, 15, 16, 17, 30, 31, 32</p> <p>'523 patent: 4, 6, 7, 8, 9, 23, 24, 25</p> <p>'524 patent: 7, 8, 9</p> <p>'618 patent: N/A</p> <p>'619 patent: 6, 7, 8, 9, 23, 24, 25</p> <p>Extrinsic Evidence:</p> <p><i>AHD</i> at pp. 671 ("provide"), 891 ("update")</p> <p><i>BDCIT</i> at pp. 316 ("microblogging"), 459 ("social networking site")</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>"sent/sends/sending information indicating a user's status"</p> <p>Intrinsic Evidence:</p> <p>Specification</p> <p>Figures: 1, 2, 3</p> <p>'618 Specification: at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 14:32-41, 14:44-50, 14:55-62, 17:45-51, 18:23-28, 15:13-16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 20:42-50, 20:53-21:3, and Tables 1 and 2.</p> <p>Claims</p> <p>'514 patent: 3, 4, 16, 17, 30, and 32.</p> <p>'523 patent: 8, 23, and 25.</p> <p>'524 patent: 7 and 9.</p> <p>'619 patent: 6, 7, 8, 9, 23, 24, and 25.</p> <p>File History</p> <p>U.S. Patent & Trademark Office Prosecution Proceeding No. 13/047,206 for U.S. Patent No. 8,306,514 – Applicant Arguments/Remarks Made in an Amendment at pp. 14-16, March 22, 2012.</p> <p>Extrinsic Evidence:</p> <p><i>Dictionary of Computer and Internet Terms</i>, at pp. 309, 443 [DROPCAM_EDTL_00001039]</p>

			-00001040]. Sworn testimony of Dr. Earl Sacerdoti.
10.	“accurate”	<p>“capable of desired processing”</p> <p>Intrinsic Evidence:</p> <p>Specifications</p> <p><i>Figures:</i> 3</p> <p><i>'522 Specification:</i> Abstract; 1:29-47; 2:20-30; 4:19-29; 6:25-35; 7:66-8:9; 14:46-20:13; 22:41-67</p> <p>Claims</p> <p><i>'522 patent:</i> 1, 8, 17</p> <p><i>'514 patent:</i> N/A</p> <p><i>'523 patent:</i> 4, 21</p> <p><i>'524 patent:</i> 3, 4</p> <p><i>'618 patent:</i> 1, 6, 15, 23, 24</p> <p><i>'619 patent:</i> 4, 21, 29, 30</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>“free from mistakes or errors”</p> <p>Intrinsic Evidence:</p> <p>Specifications</p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> 2:29-39, 4:29-39, 9:23-29, 14:31-36, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 17:13-22, 17:26-44, 18:54-60, 19:36-52, and Tables 1 and 2.</p> <p>Claims</p> <p><i>'523 patent:</i> 4 and 21.</p> <p><i>'524 patent:</i> 3 and 4.</p> <p><i>'618 patent:</i> 1, 6, 15, 23, and 24.</p> <p><i>'619 patent:</i> 4, 21, 29, and 30.</p> <p>Extrinsic Evidence:</p> <p><i>Webster's New World College Dictionary,</i> at p. 10 [DROPCAM_EDTL_00001043].</p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>

III. Identification Of Significant Claim Terms

The parties hereby identify the following terms, in no particular order, whose construction will be most significant to the resolution of this case:

1. “social signature”
2. “social hierarchy”
3. “social template”
4. “unique social signature”
5. “sensor value range”
6. “optical sensor”

- 1 7. “information”
 2 8. “provide/ provides/ providing differing levels of information”
 3 9. “provided.../ provides/ providing an update”
 4 10. “accurate”

5 Plaintiff, e.Digital, does not believe construction of any of the above terms will be case or
 6 claim dispositive at this time.

7 **IV. Anticipated Length Of Time Necessary For Claim Construction Hearing**

8 The parties anticipate they will need four (4) hours for the Claim Construction Hearing.

9 **V. Witnesses**

10 Plaintiff may call the inventor, Patrick Nunally, as a witness to testify regarding each of
 11 the disputed terms identified above. Specifically, Mr. Nunally is expected to testify regarding
 12 the technology that underlies the invention of the asserted claims and any parent patents; the
 13 level of ordinary skill in the art; how the relevant claims would be understood by one of ordinary
 14 skill in the art; the meaning of the disputed claim terms, phrases and limitations, and/or any other
 15 opinions or testimony relevant to the Court in construing the terms, phrases and limitations of the
 16 asserted claims of the asserted patents. Plaintiff, e.Digital, reserves the right to introduce
 17 additional testimony from the inventor to rebut Dropcam’s claim construction positions, and any
 18 expert testimony introduced by Dropcam.

19 Defendants may call Dr. Earl Sacerdoti. Dr. Sacerdoti may testify as to the
 20 understanding of individuals of ordinary skill in the art at the relevant time period for the
 21 Asserted Patents. Specifically, Dr. Sacerdoti may provide testimony regarding background
 22 technology or to demonstrate that Dropcam’s constructions of the proposed claim terms and
 23 phrases are consistent with the meaning of such terms and phrases in the relevant art during the
 24 relevant time period for the Asserted Patents. Such testimony will address both the general
 25 understanding of the relevant terms and phrases in the field of the art as well as the
 26 understanding of such terms and phrases in the context of the specifications and claims of the
 27 Asserted Patents. Dropcam does not plan to bring Dr. Sacerdoti to the claim construction
 28 hearing unless the Court requests his presence in advance. Dropcam further reserves the right to

1 introduce expert testimony from Dr. Sacerdoti to rebut e.Digital's claim construction positions,
2 and any expert testimony introduced by e.Digital.

3

4 **HANDAL & ASSOCIATES**

5 Dated: May 5, 2015

By: /s/ Gabriel G. Hedrick

6 Anton N. Handal
7 Pamela C. Chalk
8 Gabriel G. Hedrick
9 Attorneys for Plaintiff
e.Digital Corporation

10 Dated: May 5, 2015

11 WILSON SONSINI GOODRICH & ROSATI
12 Professional Corporation

13

14 By: /s/ Stefani E. Shanberg

15 Stefani E. Shanberg
16 Attorneys for Defendant
17 DROPCAM, INC.

18

19 **ATTESTATION CLAUSE**
20 I, Gabriel G. Hedrick, am the ECF User whose identification and password are being
21 used to file this Joint Claim Construction and Pre-Hearing Statement. In compliance with Civil
22 Local Rule 5-1(i)(3), I hereby attest that Stefani E. Shanberg of Wilson Sonsini Goodrich &
23 Rosati has concurred in this filing.

24 Dated: May 5, 2015

25 /s/ Gabriel G. Hedrick
26 Gabriel G. Hedrick

27

28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 5th day of May, 2015 at San Diego, California.

/s/ Gabriel G. Hedrick

Gabriel G. Hedrick